

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**SB 2365 - HB 2094**

February 10, 2014

**SUMMARY OF BILL:** Broadens the definition of “eligible petitioner” for purposes of having criminal records expunged under Tenn. Code Ann. § 40-32-101 to include convictions for drug fraud under Tenn. Code Ann. § 53-11-402(a)(3) for which a sentence of imprisonment was three years or less.

**ESTIMATED FISCAL IMPACT:**

**Increase State Revenue – \$500/TBI**

**\$1,200/District Attorneys Expunction Fund**

**\$100/Public Defenders Expunction Fund**

**\$1,300/General Fund**

**Increase Local Revenue – \$100/Court Clerks**

**Assumptions:**

- Under Tenn. Code Ann. § 40-32-101(g)(10), the \$350.00 fee one pays for having records expunged is distributed as follows:
  - \$10.00 to the court clerk collecting the fee;
  - \$50.00 to the Tennessee Bureau of Investigation (TBI);
  - The remainder (\$290.00) is distributed:
    - 5 percent (\$14.50) to the public defenders expunction fund;
    - 45 percent (\$130.50) to the district attorneys expunction fund; and
    - 50 percent (\$145.00) to the general fund.
- According to statistics from the Administrative Office of the Courts, there have been an average of 723.4 convictions per year under Tenn. Code Ann. § 53-11-402 for the past five years. It is assumed that five percent ( $723.4 \times .05 = 36.17$ ) were convictions under (a)(3) for drug fraud. It is further assumed that 25 percent ( $36.17 \times .25 = 9.04$ ) of those convicted will have their records expunged.
- The proposed legislation will increase state revenue as follows:
  - TBI –  $\$50 \times 9 = \$450$ ;
  - Public Defenders Expunction Fund –  $\$14.50 \times 9 = \$130.50$ ;
  - District Attorneys Expunction Fund –  $\$130.50 \times 9 = \$1,174.50$ ; and
  - General Fund –  $\$145 \times 9 = \$1,305$ .
- The total increase in state revenue is \$3,060 ( $\$450 + \$130.50 + \$1,174.50 + \$1,305$ ).

- The proposed legislation will result in an increase in local revenue in an amount equal to \$90 (\$10 x 9).

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/trm